IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO.9947 of 2005

Between:

G. Krishna Murthy S/o Raja Rao
P.R. Nabard Panchayat Raju Engineering Department Srtgn Bhavan, Erramanzil Colony, Hyderabad

..... PETITIONER

AND

1 The Sate of A.P., rep by Principal Secretary to Government

Panchayat Raj & Rural Development Department
Secretariat, Hyderabad
2 The State of A.P., rep by Principal Secretary, General

Administration Department Secretariat, Hyderabad
3 The Engineer-in-Chief Panchayat Raj Engineering Department, STRGN Bhavan, Erramanzil Colony,
Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of

Mandamus directing the respondents to consider the request of the petitioner for alternation of date of birth as per the rules existing on the date of his representation dt 16-6-1979 from 24-3-1948 to 29-1-1950 by holding the action of the respondents as illegal, arbitrary and contrary to the law laid down by the Hon'ble Supreme Court in not considering the request of the petitioner herein for alteration of date of birth from 24-3-1948 to 29-11-1950 as per the rules applicable as on the date of representation made by the petitioner, i.e., on 16-6-1979 in Y.V. Rangaiah Vs. Srinivas Rao's (reported in 1983 (1) S.L.R. page-789 while setting aside the impugned Memo No. 16559/estt. 1.2/2004-1, dt 28-1-2005 of the 1st respondent herein and set aside the order in OA. No. 1161/05 dt 4/4/05 herein.

Counsel for the Petitioner: MR.R.V.MALLIKARJUNA RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

ORAL ORDER:- (PER GB, J)

The Writ Petition is filed assailing the interim order, dated 04.04.2005, passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.1161 of 2005.

2. The matter relates to alteration of date of birth of the petitioner. While admitting the O.A. the Tribunal granted the following interim relief.

> "Pending further orders, without going into the merits of the O.A. at the admission stage, the respondents are directed to consider the representation filed by the applicant in accordance with law within eight weeks from the date of receipt of this order."

3. Learned counsel for the petitioner submits that the expression "in accordance with law" is misinterpreted by the Government. In fact the application was made when the rules issued in G.O.Ms.NO.358, dated 10.08.1972, were in force and therefore, the Government ought not to have rejected the case on the basis of circular, dated 13.10.2004. Under those circumstances, learned counsel submits that the order of the Tribunal is liable to be properly modified.

4. We have heard the learned Government Pleader also.

5. In view of the clear legal situation, we dispose of the writ petition, directing the Government to dispose of the representation filed by the petitioner keeping in view the provisions contained in G.O.Ms.NO.358, dated 10.08.1972, without reference to the instructions contained in Circular Memo No.20548/448/FR.1/2004, dated 13.10.2004.

6. In view of the above direction, no purpose will be served by keeping the O.A. pending, and therefore, the O.A. shall be deemed to have been disposed of in terms of the direction supra.

7. The writ petition is accordingly disposed of. No order as to costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 28.04.2005

ES/NSR

To

1 The Principal Secretary, State of A.P.,

Panchayat Raj & Rural Development Department
Secretariat, Hyderabad

2 The Principal Secretary, State of A.P., General

Administration Department Secretariat, Hyderabad
3 The Engineer-in-Chief Panchayat Raj Engineering Department, STRGN Bhavan, Erramanzil Colony,
Hyderabad

4 2 CCs to the GP for Panchayat Raj & Rural Development, High Court buildings (OUT).

5 2 CD copies

6 The Registrar, A.P. Administrative Tribunal, Hyderabad.